

**CFK**

20-CV-456

JS 44 (Rev. 02/19)

**CIVIL COVER SHEET****20****456**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Delaware Valley Aesthetics, PLLC d/b/a Rumer Cosmetic Surgery and  
Kathy Rumer, DO FACOS

(b) County of Residence of First Listed Plaintiff Montgomery  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Rogers Castor, 26 E. Athens Avenue, Ardmore PA 19003  
610-649-1880

**DEFENDANTS**

John Doe 1 and Jane Doe 1

County of Residence of First Listed Defendant Unknown  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION (Place an "X" in One Box Only)**

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)**

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1            | Incorporated or Principal Place of Business in This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT (Place an "X" in One Box Only)**

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN (Place an "X" in One Box Only)**

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 U.S.C. 1322  
 Brief description of cause:  
slander

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
01/21/2020

SIGNATURE OF ATTORNEY OF RECORD

*Bea T. Hume*

JAN 23 2020

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE



**CFK**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

20

4564

## DESIGNATION FORM

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: 105 Ardmore Avenue, Ardmore PA 19003

Address of Defendant: Unknown

Place of Accident, Incident or Transaction: Pennsylvania

## RELATED CASE, IF ANY:

Case Number: Judge: Date Terminated:

Civil cases are deemed related when Yes is answered to any of the following questions:

- |  |                              |                             |
|--|------------------------------|-----------------------------|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: January 23, 2020

Attorney-at-Law / Pro Se Plaintiff

87546/324891

Attorney I.D. # (if applicable)

## CIVIL: (Place a ✓ in one category only)

## A. Federal Question Cases:

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☐ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
(Please specify):

## B. Diversity Jurisdiction Cases:

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☒ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify):
- ☐ 7. Products Liability
- ☐ 8. Products Liability - Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify):

## ARBITRATION CERTIFICATION

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, Brian Newman, counsel of record or pro se plaintiff, do hereby certify:

- ☒ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

JAN 23 2020

DATE: January 23, 2020

Attorney-at-Law / Pro Se Plaintiff

87546/324891

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

450

CFK

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DELAWARE VALLEY AESTHETICS,  
PLLC d/b/a RUMER COSMETIC  
SURGERY  
105 Ardmore Avenue  
Ardmore, PA 19003

CIVIL ACTION

20

456

and

KATHY RUMER, DO, FACOS  
105 Ardmore Avenue  
Ardmore, PA 19003  
Plaintiffs

v.

JOHN DOE 1  
Unknown Name  
Unknown Address  
First Defendant

and

JURY TRIAL DEMANDED

JANE DOE 1  
Unknown Name  
Unknown Address  
Second Defendant

**CIVIL ACTION COMPLAINT**

Plaintiffs, Delaware Valley Aesthetics, PLLC, d/b/a Rumer Cosmetic Surgery,  
and Kathy Rumer, DO, FACOS, by and through their counsel, ROGERS CASTOR, hereby  
brings this action at law and respectfully aver the following facts:

**I. THE PARTIES**

1. First Plaintiff, Delaware Valley Aesthetics, PLLC, is a professional  
limited liability company, organized and existing under the laws of the Commonwealth of  
Pennsylvania, with a registered place of business at 105 Ardmore Avenue, Ardmore,



Montgomery County, Pennsylvania. Delaware Valley Aesthetics, PLLC, is known to the public and conducts business under the registered fictitious name Rumer Cosmetic Surgery (First Plaintiff will hereinafter be referred to as “Rumer Cosmetics”).

2. Second Plaintiff, Kathy Rumer, DO, FACOS (hereinafter “Dr. Rumer”) is an adult individual maintaining a principal place of business at 105 Ardmore Avenue, Ardmore, Montgomery County, Pennsylvania. Kathy Rumer is a Doctor of Osteopathic Medicine (“DO”) and Fellow of the American College of Osteopathic Surgeons (“FACOS”). Dr. Rumer practices medicine at Rumer Cosmetics.

3. First Defendant, John Doe 1, is believed to be an adult individual, the identity and address of whom is unknown at this time. Plaintiffs intend to determine John Doe 1’s identity and address through further discovery and will amend this Complaint accordingly upon receiving said information.

4. Second Defendant, Jane Doe 1, is believed to be an adult individual, the identity and address of whom is unknown at this time. Plaintiffs intend to determine Jane Doe 1’s identity and address through further discovery and will amend this Complaint accordingly upon receiving said information.

## **II. JURISDICTION**

5. Jurisdiction is founded upon diversity of citizenship of the parties and the amount in controversy pursuant to 28 U.S.C. § 1322, in that Plaintiffs are citizens and residents of the Commonwealth of Pennsylvania, and Defendants are believed, and therefore averred, to be citizens of a state other than Pennsylvania; and the amount in controversy exceeds \$75,000.00.

### III. FACTS

6. Rumer Cosmetics, through Dr. Rumer, offers a host of cosmetic surgeries to potential patients, the majority of which focus on altering the body, such as nose surgery, breast implants, injectable fillers/Botox, hair restoration, etc.

7. Of the services offered by Rumer Cosmetics, Dr. Rumer is most renowned as a leading aesthetic and reconstructive plastic surgeon specializing in gender reassignment surgery. This includes both male to female surgeries (of which Dr. Rumer performs 200-250 every year) and female to male surgeries (of which Dr. Rumer performs more than 150 every year).

8. Patients travel from all across the United States to receive gender reassignment surgery at Rumer Cosmetics because of Dr. Rumer's stellar track record and reputation for excellence.

9. Rumer Cosmetics derives a bulk of its annual income from said gender reassignment surgeries, and the success of its business can be attributed to the reputation of Dr. Rumer in both the medical and lay-person communities.

10. In or around 2019, Dr. Rumer discovered a website known as "Kathy Rumer's Anonymous" a blog dedicated to "Chasing the #ButcherofArdmore." The URL of said website is: [rumersanonymous.blogspot.com](http://rumersanonymous.blogspot.com) (hereinafter the "Website").

11. The Website is maintained and edited by John Doe 1 and/or Jane Doe 1 with the goal of tarnishing Dr. Rumer and Rumer Cosmetic's reputation in the medical community as well as her reputation amongst potential clients.

12. John Doe 1 and/or Jane Doe 1, have updated the Website making claims such as, *inter alia*:

(a) That a quote in an advertisement for Dr. Rumer's service was not real. John Doe 1 and/or Jane Doe 1 attributed said quote to a fake client, thus implying Dr. Rumer / Rumer Cosmetics lied in an advertisement.

(b) Claiming that Dr. Rumer stormed out of a surgery room demanding her staff to "deal with it" because her patient was having an anxiety attack.

(c) Claiming that Dr. Rumer instructed a patient to cut off a portion of her own labia with scissors.

(d) Labeling Dr. Rumer the Butcher of Ardmore, thereby implying she repeatedly fails surgeries and "butchers" clients.

(e) Posting Dr. Rumer's home address, when she does not disclose such information to her patients.

(f) Labeling surgeries as "botched" without supporting facts.

(g) Many other claims that are made with either knowledge of their falsity and/or recklessness as to their veracity with the intention of injuring Plaintiffs' reputation.

13. In addition to the above, John Doe 1 and/or Jane Doe 1 have sent threatening emails to Dr. Rumer and Rumer Cosmetics. For example, on January 5, 2020, Dr. Rumer received an email from "rualooker555@gmail.com" that provided as follows:

Please allow me to introduce myself, I am the bringer of bad news and taste.

The trans community is about to have its own #metoo movement. I'm the one who has been running the Rumer's Anonymous blog. Do you like it? I know you read it, I know you scan reddit for the horror stories people post about you. I know you are slowly going insane from watching your reputation slowly on the decline. Do you know how many submissions I get from people that you hurt? It's all going to come to light soon enough.

Enjoy the inevitable.



Pleased to meet you, I hope you try to guess my name.

This is one of many threats, often referencing The Rolling Stones' lyrics, made by John Doe 1 and/or Jane Doe 1 to tarnish Plaintiffs' reputations.

14. It is believed, and therefore averred, that the Website is hosted at IP Address 162.158.63.49. From said IP Address, it appears the Website is maintained by the Internet Service Provider CloudFlare, Inc.

15. Based on the present state of the Website, and the repeated threats made by John Doe 1 and/or Jane Doe 1, the injury to Plaintiffs' reputation will continue until the Website's creator is held accountable in a Court of Law.

#### COUNT I

##### *Libel Per Se*

##### Plaintiffs v. John Doe 1 and/or Jane Doe 1

16. Plaintiffs incorporate paragraphs "1" through "15" by reference as though the same were set forth herein *in extenso*.

17. The statements posted by John Doe 1 and/or Jane Doe 1 on the Website, as more fully described in Paragraph 11 above herein, disparages Plaintiffs' competence and integrity in its trade and business, thus constituting libel *per se*.

18. The libelous statements were authored and posted online by John Doe 1 and/or Jane Doe 1.

19. The Website is accessible to anyone with internet access. John Doe 1 and/or Jane Doe 1 has gone out of his/her way to promote the website by posting links to it on other social media websites such as Reddit.com. This conduct made the libelous statements contained on the Website highly visible.

20. John Doe 1 and/or Jane Doe 1's defamatory blog was readily understood by its readers to be about Plaintiffs, and as a direct result thereof, Plaintiffs have suffered a permanent false taint and substantial professional harm to their business reputations.

**WHEREFORE**, Plaintiffs demand judgment against John Doe 1 and/or Jane doe 1 (the identity of which will be determined through further discovery), individually and/or jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

## **COUNT II**

### *Commercial Disparagement*

#### Plaintiffs v. John Doe 1 and/or Jane Doe 1

21. Plaintiffs incorporate paragraphs "1" through "20" by reference as though the same were set forth herein *in extenso*.

22. Dr. Rumer and the staff of Rumer Cosmetics have been approached by existing and/or prospective customers who have seen the defamatory statements posted on the Website by John Doe 1 and/or Jane Doe 1. Said customers commented and/or question Dr. Rumer and Rumer Cosmetics' staff about the statements.

23. Internet post, such as the Website blog published by John Doe 1 and/or Jane 2, are permanently archived on the Website's host served, and can still be accessed even if removed or deleted.

24. Additionally, a "screenshot" and/or other permanent replications of the Website can be easily created and readily available to anyone reading the Website, which is still online as of the filing of this Complaint.



25. Plaintiffs have suffered financial loss as a direct result of the damage to their business reputation resulting from the defamatory online statements published by John Doe 1 and/or Jane Doe 1.

**WHEREFORE**, Plaintiffs demand judgment against John Doe 1 and/or Jane doe 1 (the identity of which will be determined through further discovery), individually and/or jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

### **COUNT III**

#### *Intentional Interference with Business Relationships* Plaintiffs v. John Doe 1 and/or Jane Doe 1

26. Plaintiffs incorporate paragraphs “1” through “25” by reference as though the same were set forth herein *in extenso*.

27. The conduct described in Paragraphs 11 and 12 above herein constitutes a concerted effort by John Doe 1 and/or Jane Doe 1 to interfere with Plaintiffs’ existing and prospective business relationships. In fact, interfering with said relationships is John Doe 1 and/or Jane Doe 1’s stated intentions in creating the Website.

28. John Doe 1 and/or Jane Doe 1’s conduct as described herein was wrongful and without justification or privilege.

29. John Doe 1 and/or Jane Doe 1’s conduct as described herein was intentional and was deliberately designed to cause harm to Plaintiffs.

30. Plaintiffs have suffered, and will continue to suffer, financial loss as a direct result of John Doe 1 and/or Jane Doe 1’s wrongful interference with Plaintiffs’ existing and/or prospective business relationships.

**WHEREFORE**, Plaintiffs demand judgment against John Doe 1 and/or Jane ~~doe~~ 1 (the identity of which will be determined through further discovery), individually and/or jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

**COUNT IV**

*Invasion of Privacy: Public Disclosure of Private Fact*  
Dr. Rumer v. John Doe 1 and/or Jane Doe 1

31. Plaintiffs incorporate paragraphs “1” through “30” by reference as though the same were set forth herein *in extenso*.

32. As stated above, John Doe 1 and/or Jane Doe 1 published Dr. Rumer’s personal address and financial information on the Website.

33. The information on the Website was accessible, and still is accessible, to anyone with internet access.

34. Information regarding Dr. Rumer’s personal address and finances is private and never disclosed to the average patient.

35. John Doe 1 and/or Jane Doe 1’s publicity of Dr. Rumer’s personal address and financial information is highly offensive to a reasonable person, and further is highly offense to Dr. Rumer.

36. Dr. Rumer’s personal address and financial information is not a matter of legitimate concern to the public and evidences John Doe 1 and/or Jane Doe 1’s ongoing motive to repeatedly harass, discredit, smear, tarnish the reputation of, and annoy Dr. Rumer.

37. John Doe 1 and/or Jane Doe 1’s repeated, continual, and substantial publicity of Dr. Rumer’s private information was outrageous, willful, malicious, and intentionally designed to and actually did cause economic and professional harm to Dr. Rumer.



38. Dr. Rumer suffered substantial monetary and non-economic harm from the Website's publication.

39. John Doe 1 and/or Jane Doe 1's conduct was reckless and/or intentional and/or wanton and/or outrageous and he/she is, therefore, liable to Dr. Rumer for punitive damages.

**WHEREFORE**, Plaintiffs demand judgment against John Doe 1 and/or Jane doe 1 (the identity of which will be determined through further discovery), individually and/or jointly and severally, in an amount in excess of \$75,000.00, together with all applicable interest, costs, and fees, as well as any other available relief.

Respectfully submitted,

**ROGERS CASTOR**

By: 

Lance Rogers, Esq.  
Brian T. Newman, Esq.  
ROGERS CASTOR  
Attorney I.D. No. 87,546 / 324,891  
26 East Athens Avenue  
Ardmore, PA 19003  
610-649-1880 / 877-649-1880 (fax)  
*Attorneys for Plaintiffs*

Dated: 1/23/2020